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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,491	08/28/2003	Charles Kreutzer	62747	6978

27148 7590 08/24/2006

POLSINELLI SHALTON WELTE SUELTHAUS P.C.  
700 W. 47TH STREET  
SUITE 1000  
KANSAS CITY, MO 64112-1802

EXAMINER

SOOHOO, TONY GLEN

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/650,491	KREUTZER, CHARLES	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tony G. Soohoo	1723	

All participants (applicant, applicant's representative, PTO personnel):

(1) Tony G. Soohoo. (3) \_\_\_\_\_.

(2) Brian B. Diekhoff. (4) \_\_\_\_\_.

Date of Interview: 22 August 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: proposed amendment for discussion (Attached, 5 pgs).

Claim(s) discussed: 1.

Identification of prior art discussed: US 2828516, US 4803955.


Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

*Attachment (5 pgs)*

  
**TONY G. SOOHOO**  
**PRIMARY EXAMINER**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:


- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner indicated that the language with regards to the coloring fluid and aqueous fluid is directed to function which would not structurally distinguish. The proposed broad claims to a pump and a controller appears not to present any novel limitation to the structure. It was suggested by the examiner that language directed to the rinsing system such as a connection to a source of water, and the controller providing modes of a PRELOAD, PUMP and RINSE may further distinguish the claims from prior art of record. However, no indication of allowability was made by the examiner, and is such features are subject to updated search and review of the art as a whole .



TONY G. SOOHOO  
PRIMARY EXAMINER  
1723

Polsinelli | Shalton  
Welte | Suelthaus<sup>PC</sup>

Attachment  
to interview  
Summary

**Fax Information Sheet**

TONY G. SOOHOO  
PRIMARY EXAMINER

DATE: August 18, 2006

TO:	FAX NO.:
Examiner Tony G. Soohoo, USPTO	571-273-1147

FROM: Brian B. Diekhoff

RE: U.S. Patent Application 10/650,491 entitled TRANSFER SYSTEM FOR COLORING AGENTS, filed August 28, 2003

Proposed Amendment

CLIENTMATTER NO.: 026514-062747

Personal ID No.: 9113

Number of pages including cover sheet: 5

**CONFIDENTIALITY NOTICE:** The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the below address via the U.S. Postal Service. Thank you.

If you do not receive all pages of this communication, please call M. Sue Clements at (314) 552-6848.

**Message**

Dear Examiner Soohoo:

Thank you for scheduling our interview for Tuesday, August 22, 2006 at 2:00 p.m. EDT (1:00 p.m. CDT). Attached is our Proposed Amendment.

Sincerely,

*Brian*

Brian B. Diekhoff, Reg. No. 46,353

100 South Fourth St., Suite 1100  
St. Louis, MO 63102  
Telephone: (314) 889-8000  
Fax: (314) 231-1776

**DRAFT****AFT****PATENT**Attorney Docket No. 026514-062747  
Express Mail Label No. EV 7895819035 US**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Charles Kreutzer

Serial No.: 10/650,491

Filed: August 28, 2003

For: TRANSFER SYSTEM FOR COLORING  
AGENTS

Group No. 1723

Examiner: Soohoo, Tony G.

Conf. No.: 6978

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**AMENDMENT**

Dear Sir:

This paper is submitted in response to the Final Office Action of March 24, 2006.

Please charge any additional fees associated with this paper to Deposit Account No.  
50-1662.**Amendments** to the claims begin at page 2 of this paper.**Remarks** begin on page 4 of this paper.*Attachment  
to  
Interview  
Summary  
JBS  
1723*

**DRAFT****PATENT**Attorney Docket No. 026514-062747  
Express Mail Label No. EV 7895819035 USAttachment  
to introduction  
TGS  
0723**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions and listings of claims in the application.

1-11. (Cancelled.)

12. (Currently Amended.) An apparatus for transferring fluidic compositions for coloring concrete comprising:

a tank including an interior defined by walls;

a fluid transferring apparatus in communication with the tank for withdrawing a concrete coloring fluid from the interior of the tank;

the fluid transferring apparatus comprising a pump and a discharge line extending from the pump for transferring the fluid to a supply of concrete;

a cover, removably attachable with respect to the tank, the cover moveable between a first position, where the interior of the tank is closed to the ambient environment and a second position, where the interior of the tank is open to the ambient environment to receive the concrete coloring fluid; and,

a system for rinsing the tank with an aqueous fluid, including, a an aqueous fluid intake port; and, a dispenser in communication with the aqueous fluid intake port and configured for providing the aqueous fluid to the interior of the tank for contacting the walls of the interior of the tank, the dispenser coupled to the cover; and,

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**PATENT**

Attorney Docket No. 026514-062747  
Express Mail Label No. EV 7895819035 US

**DRAFT**

a controller for operating the fluid transferring apparatus and the system for rinsing the tank.

13. (Cancelled.)

14. (Currently Amended.) The apparatus of claim 12, wherein the dispenser includes a nozzle in communication with a an aqueous fluid transport line.

15. (Cancelled.)

16. (Currently Amended.) The apparatus of claim 12 ~~15~~, wherein the pump includes a diaphragm pump.

17. (Original.) The apparatus of claim 12, additionally comprising, a support member for receiving and holding the tank proximate to the ground level.

18. (Currently Amended.) The apparatus of claim 12 ~~15~~, additionally comprising: a the discharge line extending from the pump, the pump including a valve.

19. (Original.) The apparatus of claim 18, additionally comprising: a conduit extending from the tank to the pump.

20. (Original.) The apparatus of claim 19, wherein the tank includes a first cylindrical portion, for communication with the cover, and a second conical portion, for communication with the conduit.



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[ 1:57

**PATENT**

Attorney Docket No. 026514-062747

Express Mail Label No. EV 7895819035 US

21. (Currently Amended.) The apparatus of claim 14, wherein the aqueous fluid transport line is configured for coupling with a source of pressurized water.

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